VS.

Gust Keproes, et. al.,

26 ///

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Raymond L. Smith

Plaintiff, No. CIV S 05-0566 LKK CMK PS

Defendants. ORDER

Currently before the court is plaintiff's request for appointment of counsel. In the complaint filed March 23, 2005, plaintiff alleges that defendant Kepreos refused to allow plaintiff to sell his mobile home because of plaintiff's status as a disabled person. Plaintiff also alleges that, due to plaintiff's disability defendant Kepreos engaged other named defendants to bully plaintiff into moving out of his mobile home and terminating his tenancy with the mobile home park.

The gravamen of plaintiff's complaint is that he was discriminated against in housing based on his disability. Plaintiff seeks appointment of counsel pursuant to 42 U.S.C. § 3613(b), which provides that a district court "may...appoint an attorney for [a person alleging discriminatory housing practices]." <u>Id.</u> §3613(b)(1).

Case 2:05-cv-00566-LKK-CMK Document 10 Filed 06/24/05 Page 2 of 2

The court cannot find that efforts to obtain legal representation without order of the court would be futile and cannot determine whether this case has sufficient merit to warrant appointment of counsel. Accordingly, plaintiff's request for appointment of counsel is denied without prejudice. The court suggests that plaintiff contact Legal Services of Northern California to see if he meets their guidelines for providing representation. IT IS HEREBY ORDERED that plaintiff's request for the appointment of counsel is denied. DATED: June 22, 2005. UNITED STATES MAGISTRATE JUDGE